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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,572	06/11/2001	James D. O'Brien JR.	12128-062001	3299
35657 7590 01/22/2007 FAEGRE & BENSON LLP PATENT DOCKETING 2200 WELLS FARGO CENTER 90 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-3901			EXAMINER LEE, CHI HO A	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/878,572

Applicant(s)

O'BRIEN ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

ANDREW C. LEE  
PRIMARY PATENT EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 13, 14, 19, 22, 26, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Falck et al U.S. Patent Number 6,360,265.

Re Claims 1, 19, 232, fig. 1 teaches a NAT for receiving call signaling from a 102 (VOIP network endpoint), whereby NAT determines the best available server (a call signaling and media proxy) to handle the incoming request (See col. 3, liners 30-36), wherein the NAT also performs address translation (forcing the media packets) for routing (See col. 6, lines 1-24) in to the private network routers (managed network elements), wherein the address translated is associated with a specified IP address and best selected server (media proxy).

Re Claim 2, refer to Claim 1, wherein the NAT identifies a proper path to the destination H.323 server (...terminating...a network element).

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Re Claim 3, refer to Claim 1, wherein H.323 supports RTP.

Re Claim 4, refer to Claim 1, wherein the H.225 call signaling is originated from 102 endpoint.

Re Claim 5, refer to Claim 1, wherein the received call signaling is forward to the destination server and to the called endpoint (a destination VOIP network element) for call signaling.

Re Claim 6, refer to claim 1, wherein the NAT directs 102 (VOUP network endpoint) to the used the best server.

Re Claim 7, refer to Claim 1, wherein the server supports H.323 (streaming the packets) via the best server.

Re Claims 8, 26, 27, refer to Claim 1, wherein the NAT address is corresponding to the next hop address of the selected server.

Re Claim 9, refer to Claim 8.

Re Claim 10, refer to Claim 8, wherein the signaling message translated includes the destination endpoint.

Re Claims 13, 14, refer to NAT.

Re Claim

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 12, 20, 23, 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Falck et al U.S. Patent Number 6,360,265 in view of Lee U.S. Patent Number 7,047,561.

Re Claims 11, 20, 23, 24, 25, refer to Claim 8, as Falck teaches that the NAT translate IP addresses representing servers in the private network. Falck fails to explicitly teach that the addresses are static/dynamic virtual IP addresses. However, Lee teaches that in order for the control logic in the NAT specify which IP traffic is allowed to pass through the firewall, the NAT uses a specified order of private IP and public IP addresses for static and dynamic mapping (See col. 5, lines 30-50). One skilled in the art would have been motivated by Lee to employ a use both static and dynamic IP address to control the flow of particular traffic types.

Re Claim 12, refer to Claim 11,.

6. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Falck et al U.S. Patent Number 6,360,265 in view of Chopra et al U.S. Patent Number 6,510,509.

Re Claims 15, 16, 17, 18, Falck fails to explicitly teach that the NAT provides a predetermined QoS. However, Chopra teaches a NAT assisted with QoS scheduling. One skilled in the art would have been motivated by Chopra to include QoS function into the NAT. Re Claims 17, 18, one skilled in the art recognizes the PINGing determines a closest network element for the calling device. Hence, one skilled in the art would have been motivated to maintain QoS by pinging.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE  
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a smaller 'L' and a final upward stroke.